

ORDER IN COUNCIL

XXII
1989

ratifying a Projet de Loi

ENTITLED

The Bornements (Modification) (Guernsey) Law, 1989

(Registered on the Records of the Island of Guernsey
on the 5th December, 1989.)



1989

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of December, 1989 before Sir Charles Frossard, Kt., Bailiff; present:— Brian Ernest Herbert Joy, Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley and Kenneth John Rowe, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 1st November, 1989, approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The *Bornements (Modification) (Guernsey) Law, 1989*", THE COURT after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 1st day of November 1989

PRESENT.

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 5th day of October 1989 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolution of the 29th day of March 1989, the States of Deliberation at a meeting held on the 28th day of June 1989 approved a Bill or “Projet de Loi” entitled “The Bornements (Modification) (Guernsey) Law, 1989”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is set forth in the Schedule thereto. 2. That the said Bill or “Projet de Loi” is set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Bornements (Modification) (Guernsey) Law, 1989”, and to order that the same shall have force of law in the Island of Guernsey.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Bornelements (Modification) (Guernsey) Law, 1989

THE STATES, in pursuance of their Resolution of the 29th day of March, 1989, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. In the Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins of the 25th of April, 1931, as amended(a)—

Amendment
to Ordinance
of 1931.

- (a) in Article 36(1), after “and also” insert “(subject to paragraph (2E))”;
- (b) in Article 36(2)—
 - (i) for “30 feet” substitute “9 metres”;
 - (ii) for “£5” substitute “level 2 on the uniform scale”;
- (c) after Article 36(2) insert—
 - “ (2A) An application for the grant or renewal of a permit or alignment (“bornelement”) under paragraph (2) shall be accompanied by the fee prescribed by the competent authority which—
 - (a) shall not exceed £15;

(a) Recueil d'Ordonnances Tome VIII, pp. 123, 140 and 147; and Tome XI, p. 338.

(b) may (at the discretion of the competent authority) be refunded if the application is refused; and

(c) if not refunded, shall be put to such use as the competent authority thinks fit.

(2B) Upon receipt of an application for the grant of a permit or alignment under paragraph (2) for the erection or re-erection of a building within 1.5 metres of a public road or way, the competent authority shall, as soon as is reasonably practicable, give written notice of the application to the Committee.

(2C) The Committee shall submit its representations on the application to the competent authority within 2 weeks of the date of the said written notice.

(2D) The competent authority shall consider those representations before deciding whether to grant or refuse the application.

(2E) In paragraph (2B) "building" does not include a wall, hedge, fence or other structure serving only as a boundary; and in paragraphs (2B) and (2C) "the Committee" means the States Public Thoroughfares Committee.;

(d) in Article 36(3), for the words from and including "wall, hedge, fence" up to and including "fifteen feet" substitute "building";

(e) for Article 39 substitute—

“ 39. (1) The States may by Ordinance amend or repeal any provision of this Ordinance.

(2) An Ordinance under paragraph (1)—

(a) may be amended or repealed by a further Ordinance thereunder;

(b) may contain transitional, consequential, incidental and supplemental provisions.”.

2. This Law may be cited as the **Bornements Citation. (Modification) (Guernsey) Law, 1989.**

K. H. TOUGH,

Her Majesty's Greffier.